

**RULES
OF
TENNESSEE DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES**

**CHAPTER 0080-6-2
REGULATIONS GOVERNING STRAWBERRY PLANT GROWERS AND DEALERS**

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0080-6-2-.01 TENNESSEE CERTIFIED PLANTS.

- (1) No strawberry plants shall be sold, offered, stored, or held for sale, or transported within or into the State of Tennessee unless they shall have been certified as being essentially free of insect pests and plant diseases by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture or by a legally constituted agency designated for such purpose in other states, territories, or counties. The requirements for certification of strawberry plants in the State of Tennessee are as follows:
 - (a) Application for certification shall be made to the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture on or before March 15 of each calendar year.
 - (b) Only first year fields set from certified parent plants are eligible for certification.
 - (c) Fields offered for certification must be well cultivated and be maintained essentially free of weeds and gasses. Fields not so maintained or in which the plant stands are very thin will not be certified.
 - (d) Fields offered for certification must be on soil in which red stele disease (*Phytophthora fragariae*) has not been known to occur, and which has not been subjected to drainage or other contamination from soil known to be infested with red stele disease.
 - (e) Fields offered for certification shall be inspected at least twice each year. One inspection shall be made in the Spring to be completed by May 30 and another inspection shall be made in the Fall to be completed by November 15. As many other inspections will be made in the fields and at packing, shipping, and storage locations as individual circumstances warrant and require.

When in the judgment of the Director of Entomology and Plant Pathology and inspection at time of digging is necessary to determine the certifiable status of plants in a field offered for certification, he shall so notify the owner or producer of said plants. It shall then be the responsibility of the owner or producer to notify the Director of Entomology and Plant Pathology of the date that digging of the plants will commence. Notice of digging shall be given by the owner or producer to the Director of Entomology and Plant Pathology, or his agents or representatives, as early as practicable, but at least 24 hours in advance of the date that digging will commence.

Strawberry plants being held or stored for subsequent sale shall be subject to inspection at any time during the holding or storage period. The owner of such plants shall be required to furnish

(Rule 0080-6-2-.01, continued)

information as to the location at which the plants are held or stored and to furnish, during reasonable business hours, facilities (such as adequate lighting, labor for moving crates, etc.) for their inspection.

- (f) Fields offered for certification shall have no discernible mixture of varieties. When more than one variety is grown, the varieties must be separated by a clean, cultivated strip at least six feet wide. Any off-variety plants occurring in a field or block must be removed by the grower. If such off-variety plants are satisfactorily eliminated, the field or block may be eligible for certification.
- (g) Plants certified must be maintained essentially free of insect pests and plant diseases. Plants certified must not exceed the following tolerances on any one inspection or on a combination of all inspections.
 - 1. Red stele disease -none
 - 2. Crimp (foliar nematode disease) none
 - 3. Root knot, root gall, root lesion, dwarf, or decline caused by root nematodes none, infestation is general. If infestation is localized and plants in local infestations are destroyed, the planting may be eligible for certification.
 - 4. Crown borer, weevil, aphid, root worm, leaf roller - 1% provided the grower or owner satisfactorily eliminated the pest by insecticidal or other treatment.
 - 5. Leaf variegation (such as Blakemore yellows) - 1% provided that all visibly affected plants are eliminated by the grower.
 - 6. Leaf spot or scorch - must not be heavy or general in fields offered for certification.
 - 7. Crinkle or other viruses - none. Any planting containing plants visibly affected will be summarily disqualified.
 - 8. Not limited by the above, any seriously injurious plant pest or disease appreciably damaging to the strawberry or capable of being spread to new areas by the movement of strawberry plants.
- (2) All strawberry plants sold, offered for sale, held or stored for subsequent sale, traded, delivered, distributed, shipped, or offered for shipment, shall bear on each bundle of plants a tag showing the certificate number and/or the grower's name and address and the variety of such plants. In addition such strawberry plants shall be viable and shall be stored, packed, and handled in such a way as to give reasonable assurance of such plants being in living condition when delivered to the ultimate purchaser.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.02 TENNESSEE REGISTERED PLANTS.

- (1) Tennessee Registered plants are hereby defined as "essentially virus-free" plants produced in accordance with the rules and regulations herein prescribed. Tennessee Registered plants shall meet all the requirements of "Tennessee Certified" plants as set forth above and in addition must meet the following special requirements:

(Rule 0080-6-2-.02, continued)

- (a) Planting shall originate with foundation stock that has had the prior approval of the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture. A grower may continue to propagate as "Registered" stock any variety that is not more than two years removed from "Foundation" stock provided no virus has been detected in the planting and provided further that the planting is maintained continuously under rules and regulations governing the production of "Registered" stock.
- (b) Planting sites on which it is proposed to produce Tennessee Registered plants must be isolated from other strawberry plantings to the extent practicable considering terrain and the extent of land holdings by the grower, and the degree of isolation shall always be subject to the approval of the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture. Failure or inability to provide sufficient isolation shall be grounds for disqualification of a planting.
- (c) Growers of "Tennessee Registered" plants will be required to maintain all plants produced by them in the "Registered" category unless they have secured a prior exemption from this requirement from the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture. Exemptions will be granted only for limited amounts of those varieties for which Foundation stock is not available at the time the request for exemption is made and such exempted varieties must be grown under such conditions and precautions as may be prescribed by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture.
- (d) Plantings offered for certification as "Tennessee Registered" stock shall be treated with insecticide for the control of aphids that spread the strawberry virus complex, at such intervals and using such formulations and quantities of materials as shall be recommended by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture, or by the University of Tennessee Experiment Station. Said Director will approve or accept alternative control programs when in his opinion the materials are equivalent in purpose and effect. Records of insecticide and fungicide applications shall be kept by the grower and made available to the Director of Entomology and Plant Pathology or his representative.
 - 1. Neglect or failure in application of required controls or in keeping the required records shall constitute grounds for disqualification of the planting. Finding of an appreciable or generally distributed population of vector aphids within a field shall summarily disqualify the planting.
- (e) Plants shall be selected from fields offered for certification as "Tennessee Registered" stock for indexing by the Director of Entomology and Plant Pathology or his representative at such times and in such quantity as he shall determine. Detection of virus shall summarily disqualify the planting provided that, if the grower have other blocks or varieties that are so located in relation to the infected block that in the opinion of the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture possibilities of contamination are remote, such other blocks or varieties may not necessarily be disqualified if the infected block or variety be immediately destroyed by the grower and such other precautions as shall be prescribed by the Director of Entomology and Plant Pathology shall be carried out.
- (f) Plants produced in accordance with the requirements of this section will be certified as "Registered Certified Plants." The certification shall state that the plants, have been produced from foundation stock that is essentially free from known viruses and that the plants have been grown under conditions that reduce the probability of field contamination to a minimum, and that the plants are believed to be free of any appreciable amounts of virus infection.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.03 TENNESSEE FOUNDATION PLANTS

- (1) Strawberry "Foundation" plants or stock are hereby defined as strawberry plants which have been determined by State or Federal experiment stations or other authorized agencies as being free from all known viruses and propagated or maintained under such conditions as to preclude the introduction of viruses in accordance with the rules and regulations herein prescribed. Foundation plants must meet all the pertinent requirements for Tennessee Certified and Tennessee Registered plant as set forth in Sections 0080-6-2-.01 and 0080-6-2-.02 above, and in addition must conform to the following rules and regulations:
 - (a) Plants, used for the production of Foundation stock, must be approved by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture prior to planting.
 - (b) Planting sites on which it is proposed to maintain or propagate Foundation stock must be approved by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture. Such sites shall be either fields isolated from all other strawberry plants whether cultivated or wild by a distance of at least three thousand feet or tightly screened houses. Soil in Foundation planting sites shall be fumigated or otherwise sterilized using materials and methods prescribed or accepted by the Director of Entomology and Plant Pathology of the Tennessee Department of Agriculture.
 - (c) Plants (10 or more per acre) shall be taken from Foundation stock by the Director of Entomology and Plant Pathology for indexing. Plants for indexing will be collected periodically but at least once each year from each such planting. Finding of virus infected plants shall immediately disqualify the foundation planting.
 - (d) Foundation stock when sold, shall bear on each bundle or bunch of plants a tag showing the growers name, address and certificate number and the variety of the plants.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.04 REGULATION OF DEALERS.

- (1)
 - (a) It shall be illegal for any person to engage in the business of buying and selling strawberry plants without first having secured a nursery dealer's certificate from the Tennessee Department of Agriculture. Such certificate shall be issued on application when applicant has affirmed that all nursery stock handled, including strawberry plants, will have been secured from a source holding a valid certificate issued by the proper official of this State or other state or states, and when such applicant has furnished to the Director of Entomology and Plant Pathology a list of such certified sources from which he proposes to secure stock, provided that the sources of supply are otherwise acceptable under these regulations. It shall be the responsibility of the dealer holding a certificate under these regulations to maintain such records as are necessary to demonstrate that stock sold, displayed for sale, held, stored, or transplanted was, in fact, secured from such stipulated certified sources. Stock being moved by means other than by common carrier and not packaged shall be accompanied by an itemized sales invoice showing the source of acquisition.
 - (b) The provisions of this section shall not be construed to prohibit the occasional purchase, sale, or exchange (for purposes of completing an order, meeting a shipping date, and the like) of relatively small numbers of strawberry plants between one or more regularly certified strawberry plant growers or producers, provided that such transactions are incidental to the person's business of producing and selling certified strawberry plants and are not a regular or substantial part of the total business, and provided that the records stipulated above are satisfactorily maintained.

(Rule 0080-6-2-.04, continued)

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.05 SEIZURE. Strawberry plants found to be infested or infected by an insect pest and/or plant disease while being offered for sale, held or stored for subsequent sale, traded, delivered, shipped or offered for shipment in, into or from this State, or being moved in violation of any section of the Tennessee Plant Pest Act, (Sections 43-515 through 43-526, as amended, of the Tennessee Code Annotated) or in violation of any of the regulations promulgated thereunder shall be seized by the Director of Entomology and Plant Pathology. The owner of such seized stock will be given the option of having the stock treated at his expense, if a treatment can be given that, in the judgment of the Director of Entomology and Plant Pathology, will be effective in removing any hazard of spread of insect pests and/or plant diseases, or having the stock returned to him, at his expense, if same shall have originated outside of this State, or destroyed. It shall be illegal for the owner, consignor, consignee, carrier or other person to move or deliver such seized stock until it is released by the Director of Entomology and Plant Pathology or his representative.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.06 OUT-OF-STATE PLANTS. No person shall sell, offer for sale, or distribute within this State any strawberry plants originating in source plantings in other states, territories, or countries unless such plants shall be certified by a legally constituted agency of such other state, territory, or country as meeting certification standards equally as rigid as those required for certification and sale or distribution of plants in this state as set forth in Section I and 11 above and such certification of states, territories or countries of origin must be on the basis of at least two field inspections timed comparably to those required in Section 1.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.07 USE OF CERTIFICATES. All strawberry plants shipped, sold or delivered or transported for sale or delivery in this State shall have affixed to each package a tag, which shall bear a copy of the valid certificate covering such plants. These tags shall expire on the same date as the certificates under which they are printed unless such certificates shall be revoked or suspended prior to that date. Use of tags beyond their expiration date or on shipments or sales of plants not covered by the certificate shall be a violation of these regulations.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.08 LABELING & ADVERTISING TO AGREE WITH CERTIFICATION. No person shall sell, offer for sale, or distribute within this State any strawberry plants represented by means of labeling or advertising to be “disease free”, or “virus free”, or “produced from ‘virus free’ stock”, or “registered” or “foundation” stock unless such stock is so classified by a legally constituted agency designated for such purpose.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.09 REVOCATION.

- (1) All certificates issued under these regulations may be immediately suspended or revoked when:
 - (a) Plants or stock covered by the certificate are determined to be in non-certifiable status in accordance with the provisions of these regulations.
 - (b) Certificates are misused, transferred, sold, loaned, applied to stock not covered by the certificate, or otherwise handled or used in violation of the requirements and intent of the applicable regulations.

(Rule 0080-6-2-.09, continued)

- (c) Any of the provisions of the Tennessee Plant Pest Act of 1955 (Sec. 43-515 through 43-526, as amended, of the Tennessee Code Annotated) or of the regulations promulgated thereunder are violated by the holder of said certificates.
- (2) In case of revocation or suspension of certificates, all such certificates together with certificate tags printed or issued thereunder, shall be immediately surrendered to the Tennessee Department of Agriculture on demand of the Director of Entomology and Plant Pathology or his representative and it shall be a misdemeanor for the holder of such certificates or certificate tags to refuse to make such surrender.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.10 PENALTIES. Any person who shall violate any provision or requirement of these regulations or who shall interfere with or obstruct the Director of Entomology and Plant Pathology or any of his duly designated employees or agents in the performance of his duties under these regulations shall incur the penalties provided in Section 43-526 of the Tennessee Code Annotated.

Authority: T.C.A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.

0080-6-2-.11 PREVIOUS REGULATIONS. These Regulations supersede all previous regulations on this subject and any prior regulations on this subject are hereby revoked

Authority: T.C. A. §43-518. **Administrative History:** Original Rule certified June 5, 1974.